

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

NUWAY Alliance, NUWAY House, Inc., 3
Rs NUWAY Counseling Center, NUWAY
Saint Cloud Counseling Center, NUWAY
University Counseling Center, NUWAY
Rochester Counseling Center, 2118
NUWAY Counseling Center, NUWAY
Mankato Counseling Center, NUWAY
Duluth Counseling Center,

Plaintiffs,

v.

Minnesota Department of Human Services
Temporary Commissioner Shireen Gandhi,
in her official capacity,

Defendant.

Civil Action No. 25-cv-492 (JRT-ECW)

**DECLARATION OF MONIQUE
BOURGEOIS**

I, Monique Bourgeois, declare under penalty of perjury pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I have served as NUWAY Alliance's Chief Community Relations Officer since January 25, 2016. In my role as Chief Community Relations Officer, I am the principal marketing executive and oversee the development and implementation of marketing strategies with referents and stakeholders.

2. My training and experience include a Bachelor's Degree in Applied Psychology and a Master's Degree in Public and Nonprofit Administration. Additionally, I am a Licensed Alcohol and Drug Counselor through the state of Minnesota. My experience includes adolescent substance use disorder treatment, public school chemical

health specialist, Executive Director of the Association of Recovery Schools, and Director of Volunteers & Training at Minnesota Recovery Connection.

Capacity for Intensive Outpatient Treatment

3. On February 17, 2025, I contacted three providers in Blue Earth County that have been licensed by DHS for nonresidential (outpatient) treatment to inquire regarding their capacity for intensive outpatient treatment.¹ The providers indicated the following, current information:

- Provider 1 – availability for 18 intensive outpatient clients
- Provider 2 – no availability in the next month, no assessments available for one month
- Provider 3 – availability for 4 intensive outpatient clients

4. On February 17, 2025, I also contacted four providers in Stearns County that have been licensed by DHS for nonresidential (outpatient) treatment to inquire regarding their capacity for intensive outpatient treatment. The providers indicated the following, current information:

- Provider 1 – availability for 1 or 2 clients immediately, availability for 16 to 18 clients in the next two to three weeks
- Provider 2 – no availability, not offering intensive outpatient treatment at this time
- Provider 3 – no current availability, anticipates availability in two weeks for 10 to 12 clients
- Provider 4 – availability for 2 clients

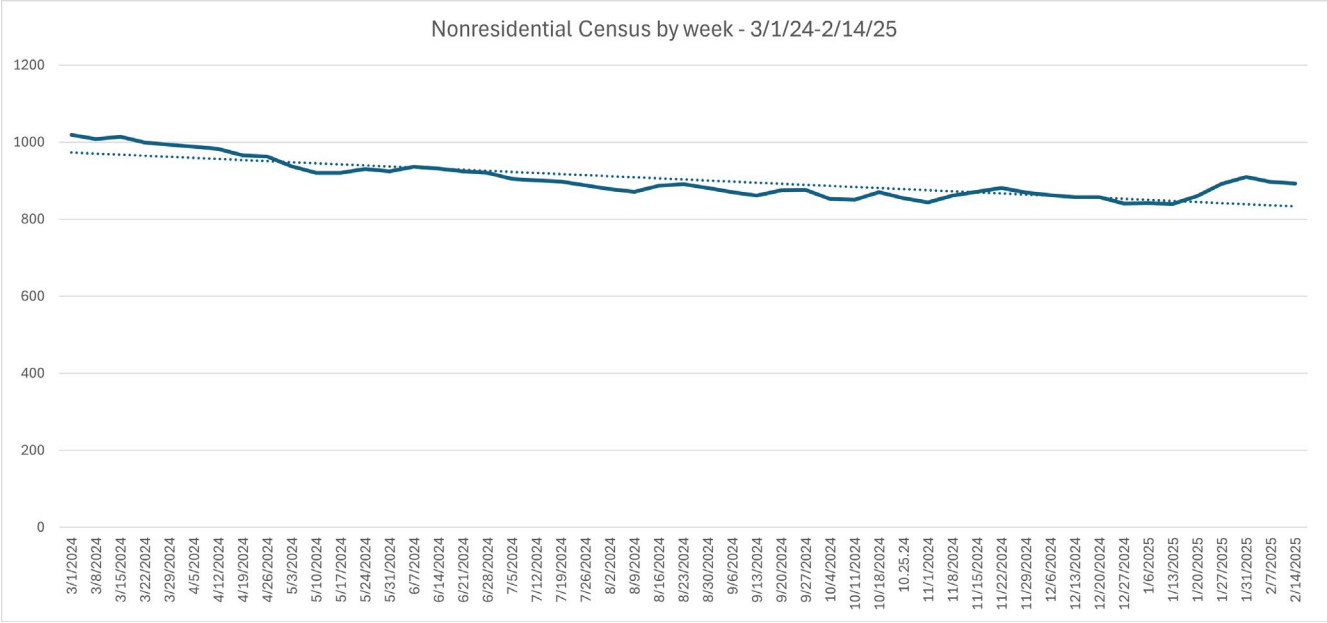
¹ NUWAY can provide the names of the providers and additional information about the phone calls upon the Court's request but will not include them in this public filing.

Number of Outpatient SUD Service Recipients

5. I am aware that on February 14, 2025, Amanda Novak, Manager of Medicaid Provider Audits and Investigations for the Program Integrity and Oversight (“PIO”) Division of the Minnesota Department of Human Services (“DHS”), signed a Declaration that was filed with the Court the following day. At paragraph 16, Ms. Novak’s Declaration states, “During the period when DHS provided several extensions to the effective date of the payment withholds, Nuway continued to increase the number of recipients at its outpatient SUD programs. Since it first received the initial notices of payment withholds in February 2024, Nuway’s average number of outpatient SUD service recipients has increased by 34%.” I am aware that this statement was repeated in the Opposition brief filed on February 15, 2025, at pages 18 and 40.

6. I have examined the data relating to NUWAY’s number of outpatient SUD service recipients closest to the date of receipt of the Notices of Payment Withholds. On March 1, 2024, the census for outpatient SUD clients was 1,019. On the date of the signing of Ms. Novak’s Declaration, February 14, 2025, the census for outpatient SUD clients was 893, or a twelve percent decrease following the issuance of the notices of payment withholds.

7. The following graph represents NUWAY’s outpatient SUD treatment census from March 1, 2024, through February 14, 2025. The blue dotted line demonstrates a downward trend during the period referenced by Ms. Novak.



February 17, 2025

/s/ Monique Bourgeois
Monique Bourgeois